

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49680 of 2017

Arising Out of PS.Case No. -418 Year- 2015 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

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Kanhaiya Pandit @ Kanhaya Pandit, Son of Late Chandeshwar Pandit,
Resident of Village-Samachak, P.S.+ P.O.-Barbigha in the District of
Sheikhpura. Petitioner

Versus

1. State of Bihar.
 2. Umesh Kumar Gupta, Son of Sri Rameshwar Prasad, R/o Mohalla-
Purani Sahar, P.S.-Barbigha in the District of Sheikhpura.
- Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. Sri Akhileshwar Dayal, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 18-10-2017

Heard learned counsel for the petitioner

and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
406 and 504 of the Indian Penal Code.

The complainant had advanced loan to the
petitioner due to family relation between the parties. The
petitioner did not refund.

Submission of the learned counsel for the
petitioner is that each and every non-refund of money does
not attract the ingredient of dishonest intention. Moreover,
there is no proof of payment of money to the petitioner.

Considering the aforesaid facts, let the



petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.418C/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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